REMARKS

Claim 9 has been amended to include the limitations of claims 10 and 11. Claim 12 has been amended to include the limitations of claim 13. Claims 1 to 8, 10, 11 and 13 have been canceled.

According to the invention of claims 9 and 12 as amended, it is possible to treat an affected tissue, including deep layer tissues that are difficult to treat just by applying a drug solution. In addition to the disinfecting effect using iontophoresis, an electric field itself may give a disinfecting effect by applying the electric field to an aqueous solution. Specifically, since the voltage and current values supplied to the electric circuit and the time the electricity is connected are controlled, treatment suited to the position of the affected part and the state of the affected part can be carried out. Furthermore, a cationic surface active agent and amphoteric surface active agent are used in the method of the present invention and make the disinfecting effect greater than conventional drugs, e.g., halogen elements or metallic elements, so that the affected part where the surface active agent has penetrated is effectively disinfected.

Claims 1 to 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen, U.S. Patent Application Publication No.

2003/0044755. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Keusch et al., U.S. Patent No. 6,635,045 ("Keusch").

Applicant respectfully requests reconsideration and removal of the 35 U.S.C. § 103(a) rejections.

Jensen is identified as disclosing a medical device comprising a positive electrode section, a negative electrode section, a power source and a controller. In the Action, the Office takes the position that the device of Jensen must allow a drug solution to permeate into a lesion obtained by conducting current between the positive electrode section and negative electrode. The Office also takes the position that the positive electrode section in Jensen is inherently provided with a drug solution.

Applicant respectfully submits that the Office has not properly characterized the disclosure of Jensen and that Jensen fails to support a case of *prima facie* obviousness of the claims of the present application under 35 U.S.C. 103(a). In Jensen, a diagnostic device, where an anode comes into contact with the surface of a tooth, and a cathode comes into contact with a mucous membrane in the oral cavity and which is capable of discriminating the state of dental pulp by making a current flow between these, is described. The method of Jensen discriminates the state of the

dental pulp by making electricity flow between the anode and the cathode without using a drug solution. (See paragraphs [0002] and [0022] of Jensen).

The Office has not provided any support or explanation for its position that the device of Jensen inherently includes a drug solution that permeates into a lesion. In order to support a position that a claimed feature is inherent in a reference, the Office must provide a rational or evidence tending to show inherency (see MPEP 2112(IV)). In the absence of such a showing by the Office, the 35 U.S.C. 103(a) rejection based on Jensen is improper.

Furthermore, a case of inherency must be supported by a showing that a feature is necessarily present in a reference, and not just possibly present. Jensen fails to disclose or suggest a device including a drug solution (or a sodium chloride solution). I.e., there is no mention of solutions in the disclosure of Jensen. The Office has failed to show that a drug solution is necessarily present in the device of Jensen.

Moreover, an object and feature of the invention in claims 9 and 12 of the present application are that the disinfecting effect is increased by carrying out disinfection and antisepsis of the affected part using a surface active agent and a 1 to 3% aqueous

solution of sodium chloride. In Jensen, the state of dental pulp is discriminated. Furthermore, in Jensen, electricity is connected to electrodes that are in contact with the surface of a tooth and the mucous membrane of the oral cavity, and the judgment of the state of the dental pulp being made by sound is described (see [0022], FIG. 4). The method of Jensen does not use a a surface active agent. Therefore, the invention in the present application completely differs from the invention disclosed in Jensen in object, effect and constitution.

For the above reasons, the 35 U.S.C. 103(a) rejection of claims 1-13 is improper and should be removed.

The combination of Jensen and Keusch has been used only in the rejection of claims 6 and 11 under 35 U.S.C. § 103(a). Claims 6 and 11 have been cancelled. The rejection of claims 6 and 11, therefore, is now moot.

The foregoing is believed to be a complete and proper response to the Office Action dated November 1, 2007, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK

Ronald J. Kubovcik
Reg. No. 25,401

Atty. Case No. ABE-022
The Farragut Building
Suite 710
900 17th Street, N.W.
Washington, D.C. 20006
Tel: (202) 887-9023
Fax: (202) 887-9093
RJK/JBF